IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 18754 of 2007(G)

PETITIONERS:

1. **THRISSUR CORPORATION, REPRESENTED BY ITS SECRETARY.**

2. **THE ASSISTANT SECRETARY, ELECTRICAL WING, THRISSUR CORPORATION.**

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

RESPONDENTS:

1. **BALAKRISHNAN NAIR, S/O. PARUKUTTIAMMA, MULLAPPALLY VEETTIL HOUSE, PUNKUNNAM VILLAGE, THRISSUR TALUK.**

2. **CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR-3.**

3. **STATE CONSUMER DISPUTES REDRESSAL COMMISSION, THIRUVANANTHAPURAM.**

BY ADV. SRI.RAJIT
SRI.RANJIT BABU
GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.18754/07

APPENDIX

PETITIONERS EXHIBITS

EXT.P1: TRUE COPY OF THE STATEMENT SHOWING ARREARS IN RESPECT OF CONSUMER NUMBERS 7778, 13572, 10040 AND 10731.

EXT.P2: TRUE COPY OF PROCEEDINGS NO.KSERC/SUPPLY CODE/2/140/2006 DT.27.2.06 OF THE KERALA STATE ELECTRICITY REGULATORY COMMISSION, THRIUVANANTHAPURAM.

EXT.P3: A TRUE COPY OF COMPLAINT DT.16.3.07 FILED BY THE FIRST RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P4: A TRUE COPY OF THE PETITION AND AFFIDAVIT FOR INTERIM DIRECTION.

EXT.P5: A TRUE COPY OF THE INTERIM ORDER DT.20.3.07 PASSED IN IA 608/07 IN CC 288/07 OF THE 2ND RESPONDENT.

EXT.P6: A TRUE COPY OF THE MEMORANDUM OF REVISION PETITION DT.21.4.07 CHALLENGING EXT.P5 ORDER.

EXT.P7: A TRUE COPY OF THE STAY PETITIO0N AND AFFIDAVIT FILED ALONG WITH EXT.P6 REVISION PETITION.

EXT.P8: A TRUE COPY OF E.A. NO.78/07.

EXT.P9: A TRUE COPY OF NOTICE ISSUED U/S 27 OF THE CONSUMER PROTECTION ACT.

EXT.P10: A TRUE COPY OF LETTER DT.6.6.07 SEND BY ADV.JOHNSON T.THOMAS.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 18754 OF 2007 G
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Dated this the 5th day of October, 2007

J U D G M E N T

This writ petition was filed praying for quashing Ext.P9 notice issued by the 2nd respondent for the personal appearance of the petitioners. It is stated that the 1st respondent, the transferee of premises had applied for an electric connection, which was declined on the ground that the transferor had arrears to the 1st petitioner. Eventually, the 1st respondent moved the 2nd respondent, C.D.R.F, Trichur, which passed an order in his favour. That order was challenged by the petitioners before the 3rd respondent-State Commission, but however, they did not succeed in obtaining any interim order in the matter. In the meantime, for non compliance with the order of the 2nd respondent, it directed the personal appearance of the petitioners and that led to this writ petition.

2. Today, the learned counsel for the 1st respondent

offers to deposit the amount due and submits that appropriation of the same should await the orders to be passed by the 3rd respondent in the revision that is filed by the petitioners. He also prays that on such deposit, the petitioners should provide him electric connection.

3. In view of the above offer, which has been accepted by the petitioners also, I dispose of this writ petition in the following terms.

1. 1st respondent shall deposit with the petitioners the entire amount that is in arrears within one week from today.
2. On such deposit, the petitioners shall give electric connection to the premises of the 1st respondent without any delay.
3. On compliance of the above directions, Ext.P9 order directing the personal appearance of the petitioners will stand quashed.
4. The amount so deposited by the 1st respondent shall be appropriated depending upon the orders to be passed by the 3rd respondent in the revision filed by the petitioners.

5. In case, if the revision is decided in favour of the 1st respondent herein, the amount deposited by him will be adjusted towards his future electricity bills.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp